

Assembly Joint Resolution No. 65

RESOLUTION CHAPTER 100

Assembly Joint Resolution No. 65—Relative to the Soboba Band of Luiseño Indians.

[Filed with Secretary of State June 24, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 65, Bogh. Soboba Band of Luiseño Indians.

This measure would declare the support of the Legislature of California for the resolution of the ongoing negotiations between the Soboba Band of Luiseño Indians, the Eastern Municipal Water District and the Lake Hemet Municipal Water District, the Metropolitan Water District of Southern California, and the United States Department of the Interior to reach a water and land settlement that is consistent with federal law, would memorialize the United States Department of the Interior to give its full support to the settlement legislation, and would memorialize the United States Congress to pass that legislation.

WHEREAS, The Legislature of California believes that it is important to protect and promote the tribal sovereign governmental rights, the cultural identity, and the interests of federally recognized tribes; and

WHEREAS, The Soboba Band of Luiseño Indians (Soboba tribe) has lived in the area alongside the San Jacinto River in California where their reservation now exists since long before the Spaniards first arrived in the vicinity in the 16th century; and

WHEREAS, The Soboba tribe built the first irrigation ditch in the San Jacinto Valley, and when American settlers entered the valley in the 1860s, the Soboba tribe possessed a self-sustaining agricultural economy, built upon the tribe's rich water resources; and

WHEREAS, The Soboba tribe's water supplies began disappearing when the newcomers diverted water from the San Jacinto River and built dams in upstream tributaries for irrigation of agriculture in the Hemet-San Jacinto Valley; and

WHEREAS, By the dawn of the 20th century, there was starvation in what had been lush areas of grape vineyards, rows of melons, beans, and corn, and extensive orchards of peaches, pears, apricots, and oranges; and

WHEREAS, In the 1930s, the Metropolitan Water District of Southern California (Metropolitan Water District) dug a 13-mile tunnel through the San Jacinto Mountains, about 3.5 miles northwest of the

Soboba tribe's reservation, which pierced underground faults and fractures in the mountains that stored large amounts of groundwater, causing groundwater to flood into the tunnel and causing the springs, creeks, and wells on the reservation to dry up, thus eliminating the sources of surface irrigation water on the reservation; and

WHEREAS, In 1950, the tribe sued the federal government in the Indian Claims Commission for failing to protect it from the effect of the San Jacinto tunnel, as well as from the groundwater pumping and upstream diversions of surface water that depleted the reservation's water resources; and

WHEREAS, The federal government settled the aforementioned lawsuit in 1991 and joined with the tribe in attempting to negotiate an overall resolution of the reservation's water-related claims; and

WHEREAS, The Eastern Municipal Water District and the Lake Hemet Municipal Water District, the local agencies that provide domestic and agricultural water service using local surface and groundwater supplies and imported water supplied by the Metropolitan Water District, along with the Metropolitan Water District as the supplier of a supplemental source of water to the Hemet-San Jacinto Valley area, are willing to address the tribe's water-related claims in the context of a water management program that will result in a water supply for the tribe as well as other water users in the area; and

WHEREAS, Negotiations between those water districts, the United States Department of the Interior, and the Soboba tribe have progressed to the point where a tentative settlement has been reached; and

WHEREAS, The parties expect to finalize the terms of the settlement of the land and water claims by the end of 2004 and expect to introduce settlement legislation in the 108th Congress; and

WHEREAS, The terms of the settlement for the Soboba tribe include: an adequate and secure future water supply; funds from local water districts for economic development in recognition of the tribe's newly agreed-upon water right and in return for the right to use the tribe's unused water supply; funds from the United States for water development; and 128 acres of replacement land for commercial development; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of California does hereby support the resolution of the ongoing negotiations between the Soboba tribe, the Eastern Municipal Water District and the Lake Hemet Municipal Water District, the Metropolitan Water District, and the United States Department of the Interior to reach a water and land settlement that is consistent with federal law; and be it further

Resolved, That the Legislature of California memorializes the United States Department of the Interior to give its full support to the settlement legislation and memorializes the United States Congress to pass that legislation; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President of the United States, to the Speaker of the United States House of Representatives, to the Senate Majority Leader, and to each Senator and Representative from California in the Congress of the United States.